Author: The primary author of this document is Mr. John F. Milio (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: June 20, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95–17386 Filed 7–14–95; 8:45 am]

BILLING CODE 4310–55–P

50 CFR Part 17

RIN 1018–AD20

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of the comment period for the proposed special rule.

SUMMARY: On February 17, 1995 (60 FR 9484), the Fish and Wildlife Service (Service) published a proposed special rule, pursuant to section 4(d) of the Endangered Species Act (Act), to replace the blanket prohibitions against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California. The original deadline for comments on the proposed rule was May 18, 1995, however, on May 18, 1995 (60 FR 26712), a notice was published in the **Federal Register** announcing the reopening of the comment period to end July 17, 1995. The intent of this notice is to reopen the comment period to September 15, 1995.

DATES: The comment period for written comments is reopened until September 15, 1995.

ADDRESSES: Comments and materials concerning this proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181.

FOR FURTHER INFORMATION CONTACT: Mr. Curt Smitch, Assistant Regional Director, North Pacific Coast Ecoregion, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501 (360/534–9330); or Mr. Gerry Jackson, Deputy Assistant Regional Director, North Pacific Coast Ecoregion, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181 (503/231–6159).

SUPPLEMENTARY INFORMATION:

Background

The implementing regulations for threatened wildlife generally incorporate the prohibitions of section 9 of the Endangered Species Act of 1973, as amended (Act), for endangered wildlife, except when a ''special rule'' promulgated pursuant to section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina,* was listed as a threatened species in 1990, the Service did not promulgate a special section 4(d) rule and therefore, all of the section 9 prohibitions, including the ''take'' prohibitions, became applicable to the species. To replace the blanket prohibitions against take of spotted owls, the Service published a proposed special rule, 50 CFR Part 17, on February 17, 1995, in the **Federal Register**, pursuant to section 4(d) of the Act, which proposes a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: July 10, 1995.

Michael J. Spear,

Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. 95–17422 Filed 7–14–95; 8:45 am]

BILLING CODE 4310–55–P

50 CFR Part 18

RIN 1018–AD04

Importation of Polar Bear Trophies From Canada; Proposed Rule on Legal and Scientific Findings To Implement Section 104(c)(5)(A) of the 1994 Amendments to the Marine Mammal Protection Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule and findings.

SUMMARY: This notice announces the proposed legal and scientific findings on the importation of polar bears (*Ursus maritimus*) taken in sport hunts in Canada, including ones taken, but not imported, prior to enactment of the 1994 Amendments of the Marine Mammal Protection Act (MMPA). Specifically, the U.S. Fish and Wildlife Service (Service) proposes to find that the Northwest Territories (NWT), the only area in Canada that currently allows sport hunting, has a monitored and enforced sport-hunting program that ensures polar bears are legally taken, is consistent with the purposes of the Agreement on the Conservation of Polar Bears, and is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level, provided certain provisions are in place in the specific population. The Service proposes to approve populations where the status of the population has been stable or increasing for previous harvest seasons and local and/or joint management agreement(s) are in place. Since Canada and the United States are Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Service proposes that import and export procedures are in place to meet CITES requirements. This notice also proposes regulations on the disposition of the gall bladder, tagging of trophies, and import procedures needed to monitor legal import and to ensure the import will not contribute to illegal trade in bear parts. The Service invites comment on options proposed to meet the provisions of Section 102(b) of the MMPA concerning the importation of pregnant and nursing polar bears. For polar bears taken in the NWT prior to the Amendments through the effective date of the final rule, the Service proposes to issue permits when proof of legal take is demonstrated and the provisions of the Act concerning pregnant and nursing polar bears are met. The Service intends to make these findings for multiple sport-hunting seasons pending review as required

under Section 104(c)(5)(C) of the MMPA. This proposed rule is a supplement to the Service's previous proposed rule published on January 3, 1995.

DATES: The Service will consider comments and information received August 31, 1995 in formulating its decision on this notice and proposed rule.

ADDRESSES: Comments and information should be sent to: Director, Fish and Wildlife Service, c/o Office of Management Authority, 4401 N. Fairfax Drive, Room 420C, Arlington, VA 22203. Materials received will be available for public inspection by appointment from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of Management Authority, Room 434. The Service has prepared a draft Environmental Assessment (EA) for this proposal. A copy of the draft EA may be obtained by writing to this address or by telephoning the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth Stansell, Office of Management Authority, at the above address, telephone (703) 358–2903; fax (703) 358–2281.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 1995, the Service published in the **Federal Register** (60 FR 70) a proposed rule to establish application requirements, permit procedures, issuance criteria, permit conditions, and a special permit issuance fee. At that time, the Service was gathering information for this second proposed rule. This rule proposes the legal and scientific findings required by the 1994 Amendments that need to be made prior to the Service issuing permits to allow for the importation of sport-hunted trophies of polar bears legally taken by the applicant while hunting in Canada. Based on information on polar bear populations in Canada and Canada's management program, the Service believes these proposed findings are consistent with section 104(c)(5)(A) of the MMPA. The Service invites comment on three proposed options to meet the requirements of Section 102(b) of the MMPA that polar bears may not be imported if the bear at the time of taking was pregnant or a nursing cub. The rule also proposes to amend the proposed permit regulations announced in the January 3, 1995, notice by adding regulations on certification of legal take by the NWT for polar bears taken prior to the effective date of any final rule; disposition of the gall bladder; tagging of trophies; and import procedures needed to monitor legal import and to ensure the import will not contribute to illegal trade in bear parts.

In accordance with section 104(c)(5)(A) of the MMPA, prior to issuing a permit for the importation of a polar bear trophy, the Service must make a finding that the polar bear was legally taken by the applicant, and in consultation with the Marine Mammal Commission (MMC), and after opportunity for public comment must make the following findings: (A) Canada has a monitored and enforced sport-hunting program that is consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears (International Agreement); (B) Canada has a sport-hunting program that is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level; (C) the export from Canada and subsequent import into the United States are consistent with the provisions of CITES and other international agreements and conventions; and (D) the export and subsequent import are not likely to contribute to illegal trade in bear parts. According to the Committee Report (H.R. Rep. No. 439, 103d Cong., 2d Sess.(1994)) these provisions were placed in the law partly to ensure that the importation of polar bear trophies into the United States would not increase hunting demand in Canada that would result in unsustainable harvest levels. It was felt that if Canada's polar bear management program regulates harvest through a quota system based on principles of sustainable yield, any increase in the harvest quota would be based on scientific data showing the population had increased to such an extent as to support an increase in the quota.

The proposed rule provides information on polar bear biology and Canada's management program for this species. It discusses each of the legal and scientific findings for the Northwest Territories (NWT), the only area in Canada where polar bears can be harvested currently by non-residents through a regulated sport-hunting program.

The Service is to make the findings in consultation with the MMC, an independent Federal agency with statutory authority to make recommendations pursuant to Title II of the MMPA. Copies of the information received from Canada have been provided to the MMC for this purpose. The Service intends to announce its decision on these proposed findings after consultation with the MMC and the opportunity for public comment.

Population Status and Distribution

Although polar bears occur in most ice-covered areas of the Arctic Ocean and adjacent coastal land areas, their distribution is not continuous. They are most abundant along the perimeter of the polar basin for 120 to 180 miles (200 to 300 kilometers) offshore. The primary prey of polar bears is the ringed seal (*Phoca hispida*), followed by the bearded seal (*Erignathus barbatus*). The abundance of seals affects the distribution of polar bears. The long-term distribution of polar bears and seals depends on the availability of habitat which is influenced by seasonal and annual changes in ice position and conditions (U.S. Fish and Wildlife Service (USFWS) 1995).

It is estimated that there are 21,000 to 28,000 polar bears worldwide (Polar Bear Specialist Group (PBSG) 1995). The number of polar bears in Canada is estimated at 13,120 in 12 relatively discrete populations, referred to as management units or subpopulations in some documents (Government of the Northwest Territories (GNWT), unpublished documents on file with the Service) (Map 1).

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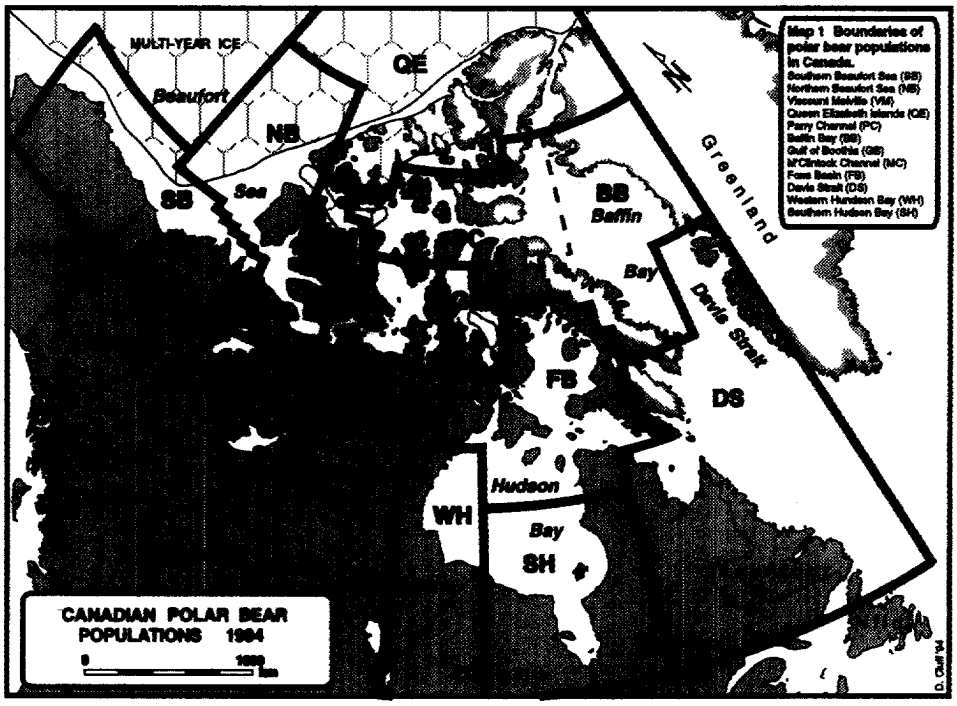

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The language in the Amendments refers to an ''affected population stock'' in the singular, and raises the issue of whether the Service needs to make the findings on one population for the whole of Canada or on the 12 populations under which Canada has been managing polar bears for over 20 years. In considering the following information, the Service has decided to treat the 12 Canadian populations as population stocks under the MMPA and make the proposed findings on that basis.

Congressman Jack Fields, during the House of Representatives floor debate for the 1994 Amendments, clarified that ''the term 'population stock' as defined in the MMPA means a group of marine mammals of the same species in a common spatial arrangement and is used in the bill to refer to these subpopulations and management units which reflect Canada's management regime'' (140 Cong. Rec. H2725, April 26, 1994).

For many marine species, there have been difficulties in defining stocks consistently under the MMPA. This particularly became apparent when the Service and the National Marine Fisheries Service (NMFS) under the 1994 Amendments were tasked with conducting stock assessments to determine the number of animals that may be removed from a population by human-caused mortality. Dr. Barbara Taylor (1995) in a NMFS administrative report pointed out that although the definition of population remains illusive, it can be critical to good management. She asserted that ''population stock'' in the MMPA has both a biological and management meaning. Two populations should be managed separately if interchange is low as there are potentially strong negative effects of treating large areas as single populations when mortality is concentrated in small areas. Dr. Taylor also suggested that ''maintaining the range of a species meets the MMPA objective of maintaining marine mammals as significantly functioning elements of their ecosystems.'' Canada's management program for polar bear recognizes 12 discrete populations with a set quota for human caused mortality specific to each population. Harvest data and scientific research have provided information to show that interchange between populations is low and human caused mortality is concentrated within localized areas. Therefore, the management of polar bears in Canada as discrete populations is consistent with the term ''population stock'' as used in the MMPA and ensures the maintenance of the polar bear throughout its range in Canada.

The GNWT wrote the Service that Canada's ''stocks'' of polar bears are termed ''populations''. This designation is based on increasing knowledge on the movement of polar bears. Boundaries of polar bear populations in Canada were initially based on geographic features using reconnaissance surveys. Over time, the boundaries have been confirmed and refined through scientific research on the movement of polar bears (e.g., mark-recapture, mark-kill harvest data, radio tracking, and satellite telemetry), local knowledge of bear movements, and physical factors affecting movements, such as ice formation and location of polynyas (e.g., areas where ice consistently breaks up and creates open water or areas where ice is refrozen at intervals during the winter). The research and accumulation of other information are ongoing. For example, the recently collected satellite telemetry data are being analyzed to redetermine the population boundaries for the Parry Channel/Baffin Bay population (GNWT).

Canada shares some polar bear populations with Greenland and Alaska. Northeastern Canada shares three populations (Queen Elizabeth Island, Baffin Bay/Parry Channel, and Davis Strait) with Greenland with the extent of exchange between Canada and Greenland as yet unclear. Northwestern Canada shares the Southern Beaufort Sea population with northern Alaska, with extensive east-west movements of polar bears between Canada and the United States.

Reproduction and Survival

Polar bears are intimately associated with Arctic ice. Due to unpredictability in the structure of Arctic sea ice and associated availability of food, it is

thought that adult males do not defend stable territories but may instead distribute themselves among different sea ice habitats at the same relative densities as solitary adult females (Ramsay and Stirling 1986).

Males locate females that are ready to breed by scent and tracks. Polar bears mate while on the sea ice between late March through May, with implantation occurring in September. Maternity dens are typically formed in drifted snow in late October and November and cubs are born in December and January (USFWS 1995).

A summary of research data on the reproduction and survival in polar bears is given in Taylor et al. (1987) and Ramsay and Stirling (1986). The large-scale unpredictable fluctuations of the Arctic environment strongly affect the recruitment rate and the survival of young. Polar bears have a low birth rate and exhibit ''birth pulse'' reproduction. A small number breed for the first time at 3 years of age and slightly more at 4 years of age. Most females start to produce young at 5 or 6 years of age. The number of females available to breed is affected by the survival rates of cubs, adult female survival rates, litter size, and litter production rates. As cub and litter survival rates increase, the number of females available for breeding in any year decreases. In any year, 30 to 60 percent of available adult female polar bears do not breed or are not impregnated. Typically, each litter consists of two cubs. The overall sex ratio is 50 males to 50 females. Cubs remain with the female until they are about 2.5 years old, during which time the females avoid associating with adult males. When the cubs are weaned, the females are again ready for breeding. Some females lose their cubs and are available for breeding the next season. The average breeding interval is 3 years. This results in a skewed sex ratio, with fewer females available to breed in any one year than males and in intrasexual competition among males for access to breeding females. Females stop reproducing at about 20 years of age. Due to mortality, the average litter size ranges from 1.58 to 1.87 in the High Arctic populations to as high as 2.0 in Hudson Bay. The first year survival rate is high (0.70 to 0.85) because of the long period of female parental care. The life history strategy of the polar bear is typified by high adult survival rates (0.76 to 0.95).

Canada's Polar Bear Management Program

Although each of the 12 populations of polar bear within Canada is managed as a unit, there is a somewhat complex sharing of responsibilities. Management has been delegated to the Provincial and Territorial Governments, but the Federal Government (Environment Canada's Canadian Wildlife Service) has an active research program and is involved in management of populations shared with other jurisdictions, especially ones with other nations. Native Land Claims have resulted in Co-management Boards for most of Canada's polar bear populations. Polar bears in Canada occur in the NWT, in the Yukon Territory, and in the provinces of Manitoba, Ontario, Quebec, and Newfoundland and Labrador (Map 1). All 12 populations lie within or are shared with the NWT. Provincial boundaries extend only to the low water mark of the Hudson Bay. Canadian territorial waters within the Arctic Ocean, Hudson Bay, and all islands and marine waters are part of the NWT. The offshore marine areas along the coast of Newfoundland and Labrador are under Federal jurisdiction (GNWT).

The Federal-Provincial Technical and Administrative Committees for Polar Bear Research and Management (PBTC and PBAC, respectively) were formed to ensure a coordinated management process consistent with internal and international management structures and the International Agreement. The Committees meet annually to review research and management of polar bears in Canada and have representation from all the Provincial and Territorial jurisdictions with polar bear populations, plus the Federal Government. Beginning in 1984, members of the Service have attended meetings of the PBTC and biologists from Norway and Denmark have attended a small number of meetings. In recent years, the PBAC meetings have included the participation of the non-government groups, the Inuvialuit Game Council and the Labrador Inuit Association, for their input at the management level. Beginning in 1995, representatives of Inuit groups harvesting polar bears were invited to attend PBTC meetings. The annual meetings of the PBTC provides for continuing cooperation between jurisdictions and for recommending management actions to the PBAC (Calvert et al. 1995). Most recently, emphasis has been on the development of Management Agreements, reducing quotas for populations thought to be over-harvested, and conducting research on populations with uncertain status (PBSG 1995).

NWT's Polar Bear Management Program

The NWT geographical boundaries include all Canadian lands and marine environment north of the 60th parallel (except the Yukon Territory) and all islands and waters in Hudson Bay and Hudson Strait up to the low water mark of Manitoba, Ontario, and Quebec. Polar bears are managed under the Northwest Territories Act (Canada). The 1960 Order-in-Council granted the Commissioner in Council (NWT) authority to pass ordinances to protect polar bears, including the establishment of a quota system to manage polar bears, that are applicable to all people. The Wildlife Act, 1988, and Big Game Hunting Regulations provide supporting legislation which recognizes each polar bear population.

Although the recently completed Inuvialuit and Nunavut Land Claim Agreements supersede the Northwest Territories Act (Canada) and the Wildlife Act, no change in management consequences for polar bears is expected. Under the umbrella of the NWT's Department of Renewable Resources (DRR), polar bears are co-managed through wildlife management boards, made up of Land Claim Beneficiaries and Territorial and Federal representatives. One of the strongest aspects of the program is that the management decision process is integrated between jurisdictions and with local hunters and management boards. A main feature of this approach is the development of Local Management Agreements between the communities that share a population of polar bears. These Agreements are then used to develop regulations which implement the agreements. Regulations specify who can hunt, season length, and age and sex classes that can be hunted, and the total allowable harvest for a given population in Polar Bear Management Areas. The DRR has officers to enforce the regulations in most communities of the NWT. Since the co-management system strives to develop local support for regulations before they are implemented, there is strong community pressure to comply with management agreements. Incidents of violation of regulations, kills in defense of life, or exceeding a quota are investigated.

There are a number of communities within the boundaries of each polar bear population. The total sustainable harvest for each population is divided among communities within the population boundaries, called settlement quotas. When agreement on a particular community's share of the

sustainable yield has been reached, tags are provided each year to the Hunters' and Trappers' Organizations or Associations or Committees (HTO). This group in conjunction with members of the community, decides how many tags to allocate to sport hunting and how many are to be used by local hunters. Sport hunting is not administered separately from other polar bear harvesting. It should be noted that some communities may hold quota tags for several separate populations, but tags can be used only for the populations for which the tags are issued (GNWT).

Harvest of Polar Bears and Sport Hunting

The hunting of polar bears is an important part of the culture and economy of indigenous peoples of the Arctic (PBSG 1995). A hunting season was first imposed in Canada in 1935. Hunting opportunities were restricted to Native people in 1949, with quotas for polar bears introduced in 1967. The harvest of polar bears was almost 700 in 1967/68, but dropped dramatically with the introduction of quotas. In the 1978/79 season, the largest increase occurred when the quota was increased by 12 percent (Lee et al. 1994). Since 1991, quotas have undergone major adjustments, mainly downward.

In the NWT, the indigenous people in a settlement may authorize the sale of a permit from the quota to a non-resident hunter. These hunts are subject to certain restrictions: the hunt must be conducted under Canadian jurisdiction and guided by a Native hunter; transportation during the hunt must be by dog sled; the tags must come from the community quota; and tags from unsuccessful sport hunts may not be used again. Sport hunters typically select trophy animals, usually large adult males. Table 1 shows that in 1993/94, 79 percent of polar bears taken as sport-hunting trophies were male. It also summarizes the number of sport hunts that occurred in the different populations in the NWT for the last two harvest seasons. Sport hunting for polar bears began in the NWT in 1969/70 with three hunts and gradually increased (GNWT). The average over the last five seasons was 55 as summarized by the Service in Table 2. The maximum number of sport hunts in any one year was 83 which occurred in the 1987/88 season. The success rate varied from 30 percent in 1979/80 to 91 percent in 1985/86 (Lee et al. 1994) and has averaged about 79 percent over the past five seasons. The number of quota tags used for sport hunting compared to the total known kill in the NWT averaged 10.9 percent annually over the last five seasons.

TABLE 1.—STATISTICS FOR POLAR BEAR SPORT HUNTING IN THE NWT FOR POPULATIONS IDENTIFIED AS SOUTHERN BEAUFORT SEA (SB), NORTHERN BEAUFORT SEA (NB), QUEEN ELIZABETH ISLANDS (QE), PARRY CHANNEL (PC), BAFFIN BAY (BB), GULF OF BOOTHIA (GB), AND FOXE BASIN (FB)

Population	1993/94 season			1992/93 season	
	No. killed (No. not successful)	Percent of total	Percent male	No. killed (No. not successful)	Percent of total
SB	3 (3)	9.7	67	1 (0)	2.7
NB	2 (3)	8.1	100	1 (1)	5.4
QE	0 (1)	1.6	.....	1 (0)	2.7
PC	26 (2)	45.2	85	22 (2)	64.9
BB	5 (0)	8.1	80	2 (1)	8.1
GB	7 (3)	16.1	86	4 (1)	13.5
FB	5 (2)	11.3	40	0 (1)	2.7
Total	48 (14)	.....	79	31 (6)	.....

TABLE 2.—SUMMARY OF SPORT HUNT KILLS IN NWT

Season	Total sports hunt	No. killed (percent success)	Known total kill in NWT	Percent total sport hunt to known kill in NWT
1989/90	60	48 (80)	537	11.2
1990/91	66	50 (76)	490	13.5
1991/92	48	39 (81)	549	8.7
1992/93	37	31 (84)	506	7.3
1993/94	62	48 (77)	432	14.4
Average	55	43 (79)	503	10.9

There is substantial economic return to the community from sport hunts. The potential value of the ''actual hunt cost'' in 1993/94 in Parry Channel for one polar bear was $18,500 (US) with 80 percent of the money staying in the community. However, only a few communities currently take part in sport hunts as it reduces hunting opportunities for local hunters (GNWT) and requires responsibilities in dealing with non-Native clients.

Polar bear sport hunts for non-residents are usually arranged through an agent or broker. In general, the agent or broker contacts the community's Hunters' and Trappers' Organization or Associations or Committees (HTO) to arrange for the hunt including the acquisition of a hunting license and tag for the hunter. If the community has not already decided what portion of its quota, if any, to designate for sport hunters, the HTO representative presents all requests for sport-hunt tags at a community meeting. The community decides on the number of

tags to be designated for sport hunting. Then the fee for the tag is paid and the tag is allocated to a specific hunter. The tag cannot be resold or used by any other non-resident hunter. In most cases polar bear tags for sport hunts are retained by the DRR officer until provided to the hunter. In a few cases, the tags are retained by the HTO who in turn provide them to the hunters (GNWT).

Proposed Legal and Scientific Findings and Summary of Applicable Information

Currently, only the NWT allows sport hunting of polar bear. Thus, the Service is proposing findings only for the NWT.

A. Legal Take

1. Proposed Finding

The Service proposes to find that the NWT has a management program that ensures a polar bear was legally taken and to condition the permit as outlined below. This program includes the use of hunting licenses; quota tags; DRR officers in communities; collection of biological samples from the trophy and collection of data from the hunter; a regulated tannery; a computerized tracking system for licenses, permits and tags; and an export permit requirement to export the trophy from the NWT to other provinces and a CITES permit system if the trophy is exiting Canada. This is all within the context of the laws, regulations, and co-management agreements discussed earlier.

For polar bears that are taken after the effective date of any final rule, the Service proposes to condition permits upon the presentation of a copy of the NWT hunting license with tag number and a Canadian CITES export permit that identifies the polar bear by hunting license and tag number to a Service inspector at the port at the time of import to satisfy the requirement of proof of legal take. For bears taken prior to the effective date of any final rule, the Service proposes to require the applicant to provide with his/her application a certification from the Department of Renewable Resources, Government of the Northwest Territories, that the polar bear was legally harvested and tagged, including the name of the hunter and location and season the bear was taken.

2. Summary of Legal Take

As described above, the agent or broker usually obtains the hunting license and tag for the hunter. Once a polar bear is taken, the tag is affixed to the hide and biological samples requested by the DRR officer are collected. Polar bear tags are metal, designed for one-time use, and stamped with the words polar bear, an identification number, and the harvest year. The identification number in combination with the harvest year identifies the community to which the tag was assigned. If a tag is lost prior to being affixed to a hide, the lost tag number and other information as required must be reported to the DRR officer prior to issuance of a replacement tag. In the event that the sport hunt is unsuccessful, the unused tag is destroyed.

By regulation, as soon as practicable after the bear is killed, a person must provide the following information to a DRR officer in the community, or a person who has been designated by the HTO and has the approval of a DRR officer: (a) The person's name; (b) the date and location where the bear was killed; (c) the lower jaw or undamaged post-canine tooth and, when present, lip tattoos and ear tags from the bear; (d) evidence of the sex of the bear; and (e) and any other information as required. Except where an officer verifies the sex of the polar bear, the baculum (i.e., penis bone) of the male polar bear must be provided for the purposes of determining sex. If proof of sex is not provided or an officer does not verify the sex of the bear, the bear will be deemed to have been female for the purposes of population trend/modelling.

Additional information, collected to complete a numbered Polar Bear Hunter Kill Return form, includes: The community where the hunt was based; the polar bear population from which the bear was harvested; the harvest season in which the bear was taken; the sex of the bear; the approximate latitude and longitude of where the bear was taken using a map or description of the location with geographical references; general comments on the physical condition of the bear, including a measure of the fat depth; an indication of whether the bear was alone or part of a family group, including if the bear was a mother with cubs; the estimated age class of the bear before the tooth was examined; the disposition of the hide; the hide value to the hunter; the hunter's address and the hunter's license number; the guide/outfitters name; and the name of the DRR officer in the applicable community.

By NWT regulation, a licensed tanner must needle stamp each hide or pelt upon receipt so that the hide or pelt may be identified as belonging to a specific customer. Polar bear tags are not intended to remain on the hide during tanning. When a tag is removed for tanning, it is returned to the owner of the hide.

In 1991, the DRR developed a Game License System to track all licenses, permits, and tags issued by the Department. It is accessible from any area of the NWT. All eight Regional Offices complete a monthly vendor return which is entered into the system. The vendor return contains all the licenses, permits, and tags that were issued during that month. Reports and searches may be generated as needed. Canada also maintains a computerized national polar bear harvest database. Up until quotas were established in 1967/68, harvest data were recorded opportunistically. With the introduction of quotas, a large percent of the harvest was recorded and since 1977/78 all harvests have been recorded. Should it be required, a polar bear trophy imported from Canada could be traced back to the individual who took the bear.

A NWT Wildlife Export Permit must be obtained from a DRR officer prior to exporting wildlife, including polar bear parts. The hunter must show the hunting license to obtain a NWT Wildlife Export permit. Polar bear parts may be exported from Canada with a Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) export permit (see discussion in section ''D'' below). The tag, either removed for tanning or removed at the time of export, needs to be submitted with supporting documentation as required for obtaining a CITES export permit (GNWT).

B. 1973 International Agreement on the Conservation of Polar Bears

During the 1950's and 1960's, there was a growing international concern for the welfare of polar bear populations. The primary concern was that the increased number of bears being killed could lead to endangerment of populations. In 1965 the PBSG, comprised of biologists from the five nations with jurisdiction over polar bears (Canada, Denmark (for Greenland), Norway, the United States, and the former Union of Soviet Socialist Republics), was formed under the auspices of the International Union for Conservation of Nature and Natural Resources, now known as the World Conservation Union (IUCN). This group was in large part responsible for the development and ratification of the International Agreement. It entered into force in 1976 for a 5-year period, and in 1981 was reaffirmed for an indefinite period. Greenland later was provided recognition through ''Home-rule''

although the Government of Denmark maintained its role in affairs of international scope.

The International Agreement unites nations with a vested interest in the Arctic ecosystem in supporting a biologically and scientifically sound conservation program for polar bears. It is a conservation tool that provides guidelines for management measures for polar bears. It defines prohibitions on the taking of polar bears as well as the methods of taking, and identifies action items to be addressed by the signatories, including protection of polar bear habitat and conducting polar bear research. The International Agreement is not self-implementing and does not in itself provide for national conservation programs. Each signatory nation has implemented a conservation program to protect polar bears and their environment (USFWS 1995). Since implementation and enforcement of the International Agreement is the responsibility of each signatory, different interpretations have resulted in a diversity of practices in managing polar bear populations (Prestrud and Stirling 1995).

The main purpose of the PBSG is to promote cooperation between jurisdictions that share polar bear populations, coordinate research and management, exchange information, and monitor compliance with the International Agreement. At the 1993 PBSG polar bear meeting it was stated, ''Overall, it seemed that all countries were complying fairly well to the intent, if not necessarily the letter of the Agreement'' (PBSG 1995). Prestrud and Stirling (1995) concluded that the influence of the International Agreement on the circumpolar development of polar bear conservation has been significant and polar bear populations are now reasonably secure worldwide.

1. Proposed Finding

The Service proposes to find that the NWT has a monitored and enforced sport-hunting program that is consistent with the purposes of the International Agreement as required by the 1994 Amendments under certain conditions. For the reasons discussed below, the Service proposes to approve only populations where the sport hunt for the previous year did not exceed 15 percent of the total quota for the NWT. Currently, all populations in the NWT meet this requirement (Table 2). The Service also proposes to approve only populations where provisions are in place to protect females with cubs, their cubs, and bears in denning areas during periods when bears are moving into denning areas or are in dens. At this time, the Service proposes not to approve the Southern Hudson Bay, the NWT population that is shared with Ontario, since Ontario has no provisions in place to protect females with cubs, their cubs, and bears in dens. The following discussion outlines the applicable requirements of the International Agreement as it relates to sport hunting and management of polar bear in the NWT.

2. Taking and Exceptions

Article I of the International Agreement prohibits the taking of polar bears, including hunting, killing, and capturing. Article III establishes five exceptions to the taking prohibition of Article I as follows: (a) for *bona fide* scientific purposes, (b) for conservation purposes, (c) to prevent serious disturbance of the management of other living resources, (d) by local people using traditional methods in the exercise of their traditional rights and in accordance with the laws of that Party, and (e) wherever polar bears have or might have been subject to taking by traditional means by its nationals.

Article III does not specifically exclude sport hunting from the taking prohibition. However, Mr. Curtis Bohlen, head of the U.S. delegation at the 1973 negotiations of the International Agreement, clarified to the Service (pers. comm. 1995) that sport hunting was not precluded and that the U.S. position, which was generally agreed to by all, was that sport hunting could occur if the national territories could be defined so the Arctic Ocean could become a sanctuary. Canada issued a declaration at the time of ratification of the International Agreement to clarify that it regards the guiding of sport hunters by aboriginal people, within conservation limits, to be allowed. The declaration states, ''The Government of Canada therefore interprets Article III, paragraph 1, subparagraphs (d) and (e) as permitting a token sports hunt based on scientifically sound settlement quotas as an exercise of the traditional rights of the local people.'' Based on the clause ''in accordance with the laws of that Party,'' Canada declared that the local people in a settlement may authorize the selling of a polar bear permit from the quota to a non-Inuit or non-Indian hunter, provided the hunt is conducted under the guidance of a Native hunter and by use of a dog team, and is conducted within Canadian jurisdiction.

When the Service queried the GNWT for clarification of the term ''token'' sport hunt, they said that the term ''* * * has not been discussed further by managers and user groups since the Agreement came into effect in 1976.'' The GNWT pointed out that the most important point to note is that polar bear tags allocated for guided sport hunting are part of the normal allocation to the community and are not added to the total (GNWT). Although the language of the International Agreement does not limit the amount of sport hunting within a country's national territory, Canada used the term ''token'' in its declaration. Thus, for purposes of issuing import permits for sport-hunted polar bear trophies taken in Canada, the Service proposes to approve only populations where sport-hunting for the previous harvest season is ''token'', i.e., not to exceed 15 percent of the NWT total quota. This proposed percentage is based on the history of use, where typically 10 to 15 percent of the annual quota is used by sport hunters (GNWT).

Baur (1993) stated, ''The final exception, which allows for taking 'wherever polar bears have or might have been subject to taking by traditional means by its nationals' is the most difficult to interpret.'' One possible interpretation would be that only ''nationals'' of a country could take polar bears within that country's area of traditional taking. Under this interpretation it would be illegal for U.S. citizens to hunt polar bears outside the United States. The 1975 Environmental Assessment in support of U.S. Senate ratification of the International Agreement supported this interpretation. However, Baur wrote that there is no support in the background documentation leading up to the International Agreement to support this view.

Baur (1993) suggested that the best interpretation of this exception has to do with the intent of all IUCN drafts to establish a taking prohibition outside of national territories, with particular reference to the ''high seas''. The Parties chose to define a sanctuary area for polar bears in the Arctic Ocean by limiting the area within which taking could occur to those where hunting by traditional means occurred. Since such hunting was conducted mostly by Natives by ground transportation (e.g., dog teams, snow mobiles, etc.), the area affected seldom reached into the areas commonly understood to be ''high seas'' (Baur 1993). The Service agrees with this interpretation for this exception in the International Agreement and notes that Canada allows sport hunting within this interpretation (GNWT).

3. Protection of Habitat and Management of Polar Bear Populations:

Article II of the International Agreement provides that Parties: (1) Take ''appropriate action to protect the ecosystem of which polar bears are a part''; (2) give ''attention to habitat components such as denning and feeding site and migration patterns''; and (3) manage polar bear populations in accordance with ''sound conservation practices'' based on the best available scientific data (Baur 1993). It was suggested at the 1993 PBSG meeting that Canada may be in non-compliance with parts of the International Agreement. There was some discussion of whether Canada is using sound conservation practices in managing polar bears since some populations are thought to be over-harvested. Canada noted, however, that their management system allows for the reduction of quotas in response to a decline resulting from over-hunting. The NWT is currently working with local communities to reduce quotas in those jurisdictions where recent population data suggests an over-harvest.

It was also discussed that the selling of hides resulting from polar bears killed in self-defense violates Article II of the International Agreement. Canada noted that all polar bears killed in defense of life are subtracted from the local quota so the sale is not a conservation threat (PBSG 1995).

4. Prohibition on the Use of Aircraft and Large Motorized Vessels

Article IV of the International Agreement prohibits the use of ''aircraft and large motorized vessels for the purpose of taking polar bears * * * except where the application of such prohibition would be inconsistent with domestic laws.''

It is illegal in Canada to hunt polar bears from aircraft for either sport or local hunting. Aboriginal guides and sport hunters must conduct their hunt by dog team or on foot. (It should be noted that non-sport hunters may travel and hunt polar bears by 3-wheel ATV (all-terrain vehicles), snowmobile, and boats under 15 meters. There was some discussion, but no resolution, at the 1993 PBSG meeting on whether the extensive use of snowmobiles in Canada and Alaska to hunt polar bears by native peoples complied with the International Agreement (PBSG 1995). However, Mr. Curtis Bohlen clarified that snowmobiles were normally used by natives in Canada and Alaska and were considered traditional (pers. comm. 1995).) Access to the communities is by air only, so sport hunters must fly to reach their destinations. Aircraft, snow machines, and boats are sometimes used to transport equipment, hunters, and dogs to base camps which can be a great distance from the community. The hunt continues from the base camp by dog team.

Canada does not interpret transportation by air or other motorized vehicle to a place where the hunt begins as a violation of Article IV of the International Agreement (GNWT). The Service agrees with this interpretation. Baur (1993) explained that Article IV of the International Agreement ''followed strong opinion that the hunting of polar bears with aircraft should be stopped, and, furthermore, that the prohibition against the use of large motorized vessels for taking was directed at the practice, which was particularly common in the Spitsbergen area, of hunting bears from vessels of 100 feet or longer.''

5. The Prohibition on Taking Cubs and Females With Cubs

At the 1973 Conference, the Parties to the International Agreement adopted a non-binding ''Resolution on Special Protection Measures'' to take steps to: (a) Provide a complete ban on the hunting of female polar bears with cubs and their cubs and (b) prohibit the hunting of polar bears in denning areas during periods when bears are moving into denning areas or are in dens. In adopting this resolution, the Parties recognized the low reproductive rate of polar bears and suggested that the measures ''are generally accepted by knowledgeable scientists'' to be ''sound conservation practices'' within the meaning of Article II. While the prohibitions in the Resolution are considered to be important to the signatory nations, they are not terms of the International Agreement itself and are not legally binding (Baur 1993). At the 1993 PBSG meeting the resolution was discussed but no agreement was reached over the interpretation of whether females with their cubs and cubs are specially protected under the Agreement (PBSG 1995).

Although the Service recognizes that the resolution is not binding, the 1994 Amendments require the Service to make a finding that Canada's management program is consistent with the purposes of the International Agreement. The resolution clearly falls within the purposes of sound conservation practices of Article II. Thus, the Service proposes to approve only populations where provisions are in place to protect females with cubs, their cubs, and bears in denning areas during periods when bears are moving into denning areas or are in dens.

The Service proposes to find that the NWT meets these requirements as females with cubs-of-the-year and bears in dens are protected by Territorial regulations. In addition, females with yearlings and yearlings are protected, and, in some areas, females with 2-year-old cubs are also protected. However, the Service proposes not to approve the Southern Hudson Bay population that is shared with Ontario, since that province has no such protection in place.

Importation of Pregnant or Nursing Animals. The MMPA has a more stringent requirement than the Resolution on Special Protection Measures of the International Agreement discussed above. Section 102(b) prohibits the import of any marine mammal, except under a permit for scientific research or enhancing the survival or recovery of a species or stock, if such marine mammal was ''(1) pregnant at the time of taking; (2) nursing at the time of taking, or less than eight months old, whichever occurs later; (3) * * *; (4) taken in a manner deemed inhumane by the Secretary.'' Number 4 was included to address the issue of whether the taking of a mother if she had cubs would be inhumane since the cubs probably would not be able to survive without her. These prohibitions were part of the law passed in 1972 and have been applied to all import permits. Since Congress did not specifically exclude polar bear import permits from the prohibition of 102(b), the Service has considered them in this notice.

The Service has noted two timeframes when it might be difficult to ensure that these provisions are met. In viewing the life history of polar bears, during the month of October it would not be possible to know if the bear was pregnant. In the section on Reproduction and Survival above, information was presented that polar bears become implanted in late September and usually start building dens in late October and early November. In some part of the NWT the harvest season does not open until December 1, in which case any pregnant bears would be protected. But in other areas the harvest season starts October 1 and pregnant females would be available to be taken. Second, polar bear cubs nurse until they are approximately 2.0 to 2.5 years of age at which time they are about the same size as the mother. Polar bear cubs nearing the time when they are weaned would be difficult to identify.

The Service looked at various options to ensure that the requirements of

Section 102(b) are met prior to issuing a permit for the import of polar bear trophies taken in the NWT. The Service invites comments on the following options: (1) Have the NWT certify that at the time of take the bear was not pregnant, was not a nursing cub, and was not a mother with cubs based on information presented to the DRR officer; (2) condition the import permit that the permittee must certify at the time of import that at the time of take a female bear was not pregnant or a mother with cubs, and a young bear was not nursing; and/or (3) include issuance criteria that permits would not be issued for female bears taken during the month of October and bears taken while in family groups. At this time, the Service prefers the first option and so has proposed language for it. However, the Service invites comments on the three options presented. It should be noted that this provision applies to all polar bear to be imported, including ones taken prior to the 1994 Amendments.

C. Scientifically Sound Quotas and Maintenance of Sustainable Population Levels

The NWT manages polar bear with a quota system based on inventory studies, sex ratio of the harvest, and population modeling using the best available scientific information. The rationale of the polar bear management program is that the human caused kill (e.g., harvest, defense, or incidental kills) must remain within the sustainable yield, with the anticipation of a slow increase in number for any population. Each population is unique in terms of both ecology and management issues, and baseline information ranges from very good in some areas to less developed in others. But overall, polar bear populations in Canada are considered to be healthy (GNWT).

Congressman Jack Fields stated in the House of Representatives floor debate on the 1994 Amendments that ''. . . it is not the intent of the language that the Secretary [of the Interior] attempt to impose polar bear management policy or practices on Canada through the imposition of any polar bear import criteria'' (140 Cong. Rec. H2725, April 26, 1994). The Service agrees that the intent of the Amendments was not to change Canada's management program, but to ensure ''* * * sport hunting of polar bears does not adversely affect the sustainability of the country's polar bear populations and that it does not have a detrimental effect on maintaining those populations throughout their range'' (Committee Report, H.R. Rep. No. 439, 103d Cong., 2d Sess. 34 (1994)).

The Service found in reviewing the information that Canada has a dynamic management program for polar bears which includes research, monitoring programs, enforcement, and coordination with other nations. The NWT administers the bulk of the program through a system of co-management that involves the indigenous people. The NWT polar bear program has been shown to be an evolving program in the interest of conserving polar bear populations.

1. Proposed Finding

Based on information as summarized in this **Federal Register** notice, the Service proposes to find that the Northwest Territories in Canada has a sport-hunting program that is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level for all populations, provided the status of each population is maintained as stable or increasing for the last harvest season and the average of the three preceding harvest seasons, and a joint management agreement(s) is in place that ensures the sustainability of the total harvest in a shared population.

The Service proposes to approve the following populations in the NWT where current data show that the status of the population has been maintained as stable or increasing for the last harvest season and the average of the three preceding seasons: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville Sound, Gulf of Boothia, M'Clintock Channel, and Western Hudson Bay.

The Service proposes not to approve populations where current data show that the take for the last harvest season and the average of the three preceding seasons has exceeded the quota to such extent that Canada classifies the status of the population as declining. Currently, this includes the two populations with uncertain data, Parry Channel/Baffin Bay and Foxe Basin.

The Service also proposes not to approve the following populations that are shared by the NWT with Greenland, Quebec, Ontario, or Newfoundland and Labrador: Queen Elizabeth Island, Parry Channel/Baffin Bay, Foxe Basin, Davis Strait, and Southern Hudson Bay. The Service understands that currently there are no management agreements between the NWT and Greenland or the listed Provinces to ensure that the total harvest in these populations are sustainable.

The Service is concerned that U.S. residents may continue to take polar bears in populations that have not been approved if the proposal is adopted. Although the GNWT has told the Service that the two populations with uncertain data (Parry Channel/Baffin Bay and Foxe Basin) have ongoing research they believe will support a finding that the current quota ensure sustainable populations, the Service notes that any person who hunts in a non-approved population is taking a risk that he/she may never be able to legally import the polar bear into the United States. If a U.S. resident hunts a polar bear in a population that is not approved for import, the Service proposes to issue an import permit only if the Service finds, based on new data from the NWT, that the total harvest for that harvest season and the average of the three preceding harvest seasons was sustainable for the affected population and a management agreement(s) was in place with Greenland and/or a province(s) that shares the population with the NWT.

2. Inventory

It is difficult and expensive to determine population trends for polar bears since they are distributed over vast areas in the Arctic environment. A minimum of 3 to 5 years of research is needed to gain a reliable population estimate, and studies need to continue for 10 to 20 years to detect significant changes (Prestrud and Stirling 1995). Each population in the NWT is assessed by a periodic population inventory done on a rotational basis. The time required to sequentially assess all 12 populations and then begin the process over again is projected to be 20 years.

The first part of the inventory process identifies the geographic boundaries of each population. Boundaries, initially proposed based on land forms, sea ice dynamics, and reconnaissance surveys, have been refined by scientific research data on the movements of individual bears through the use of mark-recapture, mark-kill data from the harvest, radio tracking, and satellite telemetry. Research on population boundaries is ongoing.

The second part of the inventory process is to estimate the size of a population. The basic principle behind the use of mark-recapture and mark-kill data in wildlife management is that given a known number of identifiable animals, the rate at which those animals are recaptured or killed provides an assessment as to the size of the population. By regulation, lip tatoos or ear tags, applied to polar bears in the course of population inventories, must be submitted to the DRR at the time of harvest of the bear. In addition, the sex and age structure of the harvest is monitored. Changes in the sex and age

of the harvest over time provide insight into whether the population may be increasing or declining. Should mark-kill data, information from the monitoring program, or reports from local hunters indicate a problem with a particular population, the period between assessments could be shortened depending on the availability of research resources.

Data from ongoing research is incorporated into management practices as appropriate. The results of studies on which management of this species is based have been published in reports, conference proceedings, and refereed scientific journals.

3. Calculation of Sustainable Harvest

The GNWT manages polar bears under the assumption that the polar bear populations are experiencing maximal (e.g. no density effects) recruitment and survival rates. The estimated sustainable rate of harvest is then the maximum sustainable harvest.

Based on a model developed cooperatively between all jurisdictions managing polar bears, it was demonstrated that the two most critical parameters for estimating sustainable harvest are population numbers and adult female survival rate (Taylor et al. 1987a). As a result of sampling biases in the available data which affected the value of the analysis, the detailed analysis was simplified to contain only the most important features. One such simplification involved the use of pooled best estimates for vital rates for all Canadian polar bear populations. Using the pooled best estimates for vital rates, the polar bear harvest model indicated that the sustainable harvest (H) of a population could be estimated as:

$H=N\ (0.015/P_f)$,

where N is the total number of individuals in the population and P_f is the proportion of females in the harvest measured directly from the harvest returns. The formula can also be modified for populations with different renewal rates and, if new information becomes available, on birth and death rates (GNWT).

Table 3 provides vital information on each population including the population estimate, the total kill (excluding natural deaths), percentage of females killed, and the calculated sustainable harvest for the last harvest season and averaged over the last three and five seasons. Based on this information, the status of the population is designated as increasing, stable, or decreasing, represented by the symbols ''+'', ''O'', ''−''. The population status is expressed simply as the difference between the calculated sustainable harvest and the kill. For example, the calculated sustainable harvest for the Southern Beaufort Sea 1993/94 harvest season was 81.1. Since the total kill was 64, the harvest of polar bears in the Southern Beaufort Sea did not exceed the sustainable yield. Therefore, the population had the potential to increase. In contrast, the Foxe Basin (FB) kill exceeded the sustainable harvest, thus the population status is represented as declining. It should be noted that the status as outlined in the table allows for a difference of up to 3 bears between the kill and the calculated sustainable harvest. Thus, in the Gulf of Boothia, where the harvest in the 1993/94 season exceeded the quota by 2.3 bears, the status is considered to be stable.

TABLE 3.—POPULATION STATUS FOR CANADIAN POLAR BEAR POPULATIONS INCORPORATING HARVEST STATISTICS FROM 1989/90 TO 1993/94

[The populations are identified as follows: Southern Beaufort Sea (SB), Northern Beaufort Sea (NB), Viscount Melville (VM), Queen Elizabeth Islands (QE), Parry Channel (PC), Baffin Bay (BB), Gulf of Boothia (GB), M'Clintock Channel (MC), Foxe Basin (FB), Davis Strait (DS), Western Hudson Bay (WH), and Southern Hudson Bay (SH). The percent females (%/) statistic[1] does not include bears of unknown sex except for Labrador (1991/92 and 1992/93) and Greenland (all 5 years). Harvest statistics include all reported human-caused mortality of polar bears. Natural deaths are not included.]

Pop.[2]	Pop. estimate	Reliability* and S.E.	5-year average (1989/90–1993/94)		3-year average (1991/92–1993/94)		Current year (1993/94)		Population status** (5yr/3yr/1yr)
			Kill (%/)	Sustainable harvest[3]	Kill (%/)	Sustainable harvest[3]	Kill (%/)	Sustainable harvest[3]	
SB	[6]1800	Good	60.4 (39.6)	68.2	66.0 (39.5)	68.4	64 (32.2)	81.1	+/+/+
NB	1200	Good	32.2 (49.4)	36.4	30.0 (45.5)	39.6	16 (50.0)	36.0	+/+/+
VM[4]	230	Good	5.2 (45.8)	1.2	2.0 (83.3)	0.7	2 (50.0)	1.1	−/0/0
QE	200	Poor	10.6 (32.1)	9.0	9.7 (24.1)	9.0	11 (29.3)	9.0	0/0/0
PC–BB	[6]2470	Fair	197.0 (30.7)	111.3	199.3 (31.5)	111.3	200 (31.9)	111.3	−/−/− (Data uncertain)
GB	900	Poor	37.8 (40.4)	33.4	38.7 (36.5)	37.0	36 (40.0)	33.7	−/0/0
MC	700	Poor	30.4 (40.3)	26.1	27.3 (33.7)	31.2	24 (33.3)	31.5	−/+/+
FB[5]	2020	Good	128.6 (40.8)	74.3	125.0 (41.7)	72.7	100 (48.5)	62.5	−/−/−
DS	[6]1400	Fair	55.0 (41.6)	50.5	58.0 (38.2)	55.0	58 (36.2)	58.0	−/0/0
WH	1200	Good	44.8 (32.1)	54.1	41.3 (27.6)	54.1	32 (40.6)	44.3	+/+/+
SH	1000	Fair	59.0 (32.5)	45.0	51.0 (36.2)	41.4	45 (33.3)	45.0	−/−/0
Total[6]	13120		661.0	509.5	648.3	520.4	588	513.5	

*Good: Minimum capture bias, acceptable precision; Fair: Capture bias problems, precision uncertain; Poor: Considerable uncertainty, bias and/or few data.

**A difference of up to 3 bears between the kill and sustainable harvest statistics was considered to be no change in status. (− = decrease 0 = no change + = increase)

Notes:

[1] The percent of killed bears that are females is not regulated by law in all populations, but rather % Females is specified as a target in many of the Local Management Agreements.

[2] Local Management Agreements now exist for all populations except QE. These agreements are reviewed periodically as new information becomes available.

[3] Except for the VM population, the sustainable harvest is based on the sex ratio of the harvest, the population estimate (N) for the area and the estimated rates of birth and death (Taylor et al. 1987):

Sustainable Harvest = (N x 0.015) Proportion of Harvest that were Females.

Unpublished modelling indicates a sex ratio of 2 males to 1 female is sustainable, although the mean age and abundance of males will be reduced at maximum sustainable yield. Harvest data (Lee and Taylor, in press) indicates that the harvest is typically selective for males.

[4] The rate of sustained yield of the VM population is one sixth that of the other populations because of lower cub and yearling survival, and lower recruitment. The projected proportion of the harvest that are females is 15% based on the intention to take only males. A 5-year voluntary moratorium on harvesting bears in the VM population began in 1994/95.

[5] Communities that harvest from the FB population have agreed to a phased reduction in quota. The final harvest level will be 91 bears or the sustainable yield as determined by subsequent population estimates by 1997.

[6] Totals refer to the sum of the all populations within or shared with Canada.

Polar bears are a long-lived and late maturing species that have a low annual recruitment rate. Their life history strategy is a reliance on a constantly high adult survival rate and stable recruitment. Consequently polar bears are particularly vulnerable to over-harvest. Conservation management and comparisons with other long-lived species suggest that noncompensatory harvest models are most appropriate for polar bears (Taylor et al. 1987).

A common technique in wildlife management is to increase harvest of males as a means of increasing sustainable yield and conserving the reproduction potential of the population. Specific modeling has shown that the sex ratio of the polar bear harvest is a critical factor in calculating the sustainable yield of polar bear populations (Lee et al. 1994). A selective harvest quota based on a harvest ratio of two males to one female can be 50 percent higher than an unselective one (GNWT). Mating in bears is promiscuous and recruitment is primarily a function of the number of adult females (Taylor et al. 1987).

When the sex-selective harvest model was presented at the 1993 PBSG meeting, there were concerns raised. One was the difficulty of accounting for compensation in the model if more females were taken. Also, there was concern that if the population model was incorrect or if ecological conditions changed substantially, there would be a delay of many years before managers would realize that the predictions of the model were incorrect. Some felt this delay was too high a risk for use as a management tool (PBSG 1995). The NWT's DRR is aware of the concerns and is currently conducting a comprehensive risk analysis to consider all sources of uncertainty. It will be used to examine the inventory rotation period and the current standards for precision in the estimates of population size. In addition, they continue to monitor information on number, sex, and age of most polar bears harvested. Any over-harvest or significant change in the population due to natural ecological reasons likely would be detected. In addition, local hunters are familiar with the relative abundance of polar bears in their areas and would notice significant increasing or decreasing trends in polar bear numbers.

Since the population quota is based, in part, on the sex ratio of the harvest, Local Management Agreements have been developed with the intention to limit the female kill by prescribing a harvest sex ratio of two males for each female. Some communities have the sex ratio as a target and others have it as a regulation. For both situations, the kill of female polar bears has exceeded the annual sustainable yield in some communities in some years. The DRR is seeking resolution to this problem including the development of conservation education materials in an effort to reduce take of females due to misidentification of sex. A booklet on how to distinguish between males and females was revised to incorporate suggestions from hunters, and posters were produced to encourage hunters to select for males. In addition, a revised one-tag system referred to as the ''Flexible Quota Option'' has been developed by the DRR, based on the number of female bears that can be taken annually. This system requires adoption into regulation prior to implementation (GNWT).

Little is known about density-dependent population regulation in bears, including polar bears (Taylor et al. 1994). The current data are insufficient to determine if the mechanism is mainly nutritional, mainly social, or a combination of social and nutritional. To study density effects on polar bears would be a long term proposition and very expensive due to the slow growth rates, high environmental variability, and behavioral plasticity of the species. The NWT has placed its emphasis on conservation rather than maximization of yield. Their intention is to ensure the conservation of existing stocks with good data and management before doing more experimental work. They believe the need for information on density effects will increase as populations slowly increase under the current management system. They anticipate that their periodic inventory and subsequent management changes will provide information on how polar bear populations respond to various density levels over the long term (GNWT).

4. Quota

The recorded annual kill of polar bears in Canada tripled during the 1960's. The size of the unrecorded harvest is unknown. In 1968 when the NWT started to set quotas, the size of polar bear populations on which to base sustainable quotas was largely unknown. Quotas were introduced on an interim basis, based on previous harvest records for each community. After the late 1970's, quotas were increased on the basis of new scientific information for each population (Prestrud and Stirling 1995). Quotas continue to undergo adjustments based on new information.

Presently, the calculated sustainable harvest for each population represents the population quota. Therefore, the quota allocated is specific to each population. A quota allocated for one population cannot be used in another population. Quotas are not carried over from one year to the next. Typically, the population quotas and a summary of previous years' harvest data for each population is presented on an annual basis to the PBTC. A summary of the population status for Canadian polar bear populations incorporating harvest statistics is provided in Table 3. The reliability and standard error of each population estimate are expressed in qualitative (i.e., Good, Fair, or Poor) rather than quantitative terms because of bias in the population estimate as a result of sampling problems. The DRR expects that quantitative terms will be used in future status reports as population inventories are completed.

All human caused mortality is subtracted from the quota, including polar bears killed in sport hunts, taken in defense of life or property, or shot illegally, as well as accidental deaths from research studies. Occasionally the quota is exceeded due to unexpected defense kills, mistakes, or illegal kills. Typically an over-harvest is deducted from the following year's quota as a correction. Any tags identified for a sport hunt cannot be re-issued later if the hunter does not harvest a polar bear. Every unused tag from a sport hunt reduces the impact of the harvest on the affected polar bear population. To date, sport hunting accounts for about 10 to 15 percent of the annual quota, with about 80 to 90 percent of the quota tags being used as a result of a successful hunt (GNWT).

5. Status of Populations the Service Proposes to Approve

Southern Beaufort Sea (SB). The estimated population is 1,800 and is considered to be conservative. Mark-recapture and studies of movements using telemetry, conducted semi-continuously since the late 1960's in Alaska and the early 1970's in Canada, have determined the boundaries of this population. The population data is rated as good. Table 3 shows the status of the population as increasing based on the 5-year and 3-year average of harvests and the 1993/94 harvest. Of the 64 bears taken in last year's harvest, 32.2 percent were females. The population estimate is currently under review. Guiding of sport hunts occurs on a limited basis in the Canadian portion of the population. The number of sport hunts for the last two seasons was 6 and 1, respectively (GNWT).

This population is shared between the jurisdictions of the United States (Alaska) and Canada (NWT and Yukon Territory). In Alaska polar bears are only taken for subsistence and handicraft purposes by Alaska Natives. Harvest of bears on either side of the international border affect the entire population. It should be noted that the Beaufort Sea boundary remains an issue of dispute between the United States and Canada, as noted in the results of the Ottawa Summit. The United States views the Canadian jurisdiction to end at the equidistant line and no bears should be taken west of that line. To date, no international agreements between governments on the management of specific populations of polar bears have been signed. However, in January 1988, a management agreement for polar bears in the Southern Beaufort Sea was signed by representatives of the Inuvialuit Game Council (IGC) in the Northwest Territories and the Fish and Game Management Committee of the North Slope Borough (NSB) in Alaska (USFWS 1995). Although the agreement is not legally binding on the Canadian or U.S. Government, it is signed by both groups and continues to be successful overall (Prestrud and Stirling 1995). The agreement is a precedent-setting example of how Native groups can successfully manage traditional harvest practices through self-regulation. The agreement has management restrictions that are consistent with the International Agreement, and that are in some part more stringent than the MMPA. The agreement, among other things, calls for establishing harvest limits based on the best available scientific evidence; prohibition on the use of large vessels or aircraft for hunting polar bears; protection of all bears in dens or constructing dens, pregnant females, cubs, and females with cubs; a management system to regulate the number of polar bears harvested and to ensure compliance with harvest limit allocations; a reporting system to collect critical information from harvested polar bear; and protection of important polar bear habitat.

The initial annual harvest quota for the Southern Beaufort Sea population was set at 38 bears each in Canada and Alaska. The hunting season in the NWT area is December 1 to May 31, timing limitations which protect pregnant females prior to denning. In Alaska the season for harvest by Alaska Natives is September 1 to May 31, a timing that does not contain the same protection. However, both Parties have agreed that all bears in dens or constructing dens are protected and family groups made up of females and cubs-of-the-year or yearlings are protected. During the first harvest (1988/89) under the management agreement take in Alaska exceeded the guidelines by 20, while the harvest in Canada was below the allocation. However, the harvest during the next three seasons were less than allocation guidelines in both Alaska and Canada. It is believed that the reduced take by the second harvest season was due to extensive efforts to distribute information on the management agreement. In addition, there has been a general trend in Alaska to harvest fewer family groups (USFWS 1995).

The population is also shared by the Yukon Territory where the legal basis for regulating polar bears is the Wildlife Act, 1981. Currently there are no residents of the Yukon harvesting polar bears as the people all moved to the NWT. The Yukon wishes to retain its management system in case the aboriginals return to the Yukon coast and harvest polar bears. There is a total quota of six tags which is currently on loan and included in the NWT's quota.

The Service proposes to approve the Southern Beaufort Sea population with the provisions that: (1) No bears be taken by sport hunting west of the equidistant line of the Beaufort Sea; (2) the management agreement for polar bears in the Southern Beaufort Sea between the IGC and NSB remains in effect; and (3) the Yukon Territory quota remains with the NWT or a joint management agreement is in place with scientifically sound quotas.

Northern Beaufort Sea (NB). The population estimate of 1,200 polar bears is believed to be unbiased and may be conservative. Mark-recapture and studies of movements using telemetry have been conducted at intervals since the early 1970's. Boundaries of the population have been determined using telemetry and recovery of tagged bears. An ongoing study is examining the possibility that this population extends further north than the data previously indicated. The population data is rated as good. Table 3 shows the status of the population as increasing based on the 5-year and 3-year average of harvests and the 1993/94 harvest. Of the 16 bears taken in last year's harvest, 50 percent were females. Guiding of sport hunters occurs on a limited basis. Only 2 to 3 sport hunts occurred in the last two years.

Viscount Melville Sound (VM). The population estimate of 230 polar bears is believed to be unbiased. A 5-year mark-recapture and telemetry study of movements and population size was completed in 1992. Boundaries of the population were based on observed movements of female polar bears. In the mid-1970's when the original quotas were allocated, this population was thought to be large and productive. This area, however, has poor seal habitat and the productivity of polar bears was lower than expected. Harvesting polar bears at the initial quota levels caused the number of bears in the population to drop, especially males. Recent research has shown this population to have an annual recruitment rate less than previously believed. Residents of this area have agreed to a moratorium on polar bear hunting in this population until the year 2000. The placement of this moratorium on hunting is an example of how Canada is effectively administering its polar bear program based on current scientific information. It is anticipated that when the data shows that harvest activities can resume, there will be an annual quota of 4 males.

Gulf of Boothia (GB). Currently this population is estimated at 900 animals. A population estimate of 333 polar bears was derived from a limited research program of mark and recapture restricted to the western coastal areas. It was increased to 900 based on the information from local Inuit hunters and an estimate of bears in the central and eastern portions of the area that had not been sampled, but was collaborated by studies in the adjoining populations. Although the 900 animal estimate has no statistical level of precision, managers believe it to be more accurate than the previous estimate. The population data are limited and rated as poor. The boundaries are supported by studies conducted in adjacent areas. The status of the population was stable at the 3-year average harvests and the

1993/94 harvest. Of the 36 bears taken in last year's harvest, 40 percent were females (Table 3). More comprehensive research is planned for this population within the next 5 years, including reassessment of the size of the population. The number of sport hunts guided for the last two seasons was 10 and 5, respectively.

M'Clintock Channel (MC). A 6-year mark-capture population study was conducted in the mid-1970's. The population was estimated to be 900 polar bears. Local hunters advised that 700 might be a more accurate estimate. Under a Local Management Agreement between Inuit communities that share this population, the harvest quota for this area has been revised to levels expected to achieve slow growth based on the more conservative population estimate of 700 polar bears. The boundaries are supported by recoveries of tagged bears and movements documented by telemetry in adjacent areas. Table 3 shows the status of the population as increasing based on the 3-year average and the 1993/94 harvest. Of the 24 bears taken in last year's harvest, 33 percent were females.

Western Hudson Bay (WH). The population estimate of 1,200 is believed to be conservative as a portion of the southern range has not been included in the mark-recapture program. Research programs on the distribution and abundance of the population have been conducted since the late 1960's, with 80 percent of the adult population marked. Mark-recapture studies and return of tags from bears killed by Inuit hunters have provided extensive records. The population data is rated as good. Table 3 shows the status of the population as increasing based on the 5-year and 3-year average of harvests and the 1993/94 harvest. Of the 32 bears taken in last year's harvest, 40.6 percent were females. During the open-water season, this population appears to be geographically segregated, although it is intermixed with the eastern Hudson Bay and Foxe Basin populations during the ice covered months.

The Western Hudson Bay population is shared with Manitoba, where polar bears are listed as a protected species under the Wildlife Act of 1991. There is no open hunting season and polar bears cannot legally be hunted at any time of the year by anyone. To hunt polar bears, including hunting by Treaty Indians, would require a permit from the Minister and no such permits are currently being issued. Under the terms of a Local Management Agreement, Manitoba is allocated a quota of 27 tags out of 55 for the Western Hudson Bay population. Eight tags are held in reserve by Manitoba for the control program and accidental deaths associated with the research program. The remaining 19 are currently on loan and included in the NWT total quota (GNWT). This does not mean that there is a total ban on hunting polar bears in the future. The Minister can authorize the taking of bear for any purpose ''not contrary to public interest.'' The current policy is that no person will be granted a permit to hunt polar bear until it is established there is a harvestable surplus over conservation needs of the population that takes into account political and scientific concerns (Calvert et al. 1995).

The Service proposes to approve this population with the provision that a management agreement between the NWT and Manitoba is in effect with scientifically sound quotas to ensure the total harvest in this population is sustainable.

6. Status of Shared Populations the Service Proposes Not To Approve

All of the following populations are shared with either Greenland or another Canadian province or both, and do not have formal agreements as to how the portion of the population outside the NWT will be managed. Management agreements drafted in 1994 for the Davis Strait, Foxe Basin, and Southern Hudson Bay populations attributed to NWT communities the existing, unchanged harvest levels and documented for Ontario, Quebec, Newfoundland and Labrador, and Greenland the current known annual harvest. Following completion of comprehensive population studies, including both scientific and traditional knowledge, the sustainable harvest of each population will be estimated and allocated fairly between all user groups through joint negotiations. These joint management negotiations are ongoing. The next PBTC meeting will be in Quebec partly to facilitate joint management discussions. Canada and Greenland are currently conducting joint research to confirm shared population boundaries and population estimates. Once this joint research report is completed, the two countries have agreed to move ahead with negotiations on developing joint management agreements (GNWT).

Queen Elizabeth Island (QE). The population is estimated at 200. Current information is that there are few polar bears in this remote area. The reliability of the data is poor. A likely scenario is that this area will eventually be managed as a sanctuary for polar bears. The status of the population was stable at the 5-year and 3-year average of harvests and the 1993/94 harvest. Of the 11 bears taken in last year's harvest, 29.3 percent were females. Only one sport hunt occurred during each of the past two seasons. A Local Management Agreement has not been finalized for this population. In addition, this population is shared with Greenland although the movement of polar bears between the NWT and Greenland is thought to be small in this population (see Parry Channel/Baffin Bay below).

Parry Channel (PC) and Baffin Bay (BB). This area is being considered as a unit as it is unclear what fraction of the Greenland harvest was from either Parry Channel or Baffin Bay populations. Information on the amount of exchange between these populations in Canada and Greenland is important for management since polar bears are harvested by communities in both countries. The current population estimate of 2,470 polar bears is considered preliminary and conservative. It was obtained by pooling the previous estimates for Lancaster Sound (1,657, increased to 2,000, based on sampling bias in the original studies that could have resulted in an underestimate of the population) and NE Baffin (470) populations with the assumption that a distinct population for west Greenland would not be found. The population data is rated as fair. The status of the population as shown in Table 3 is decreasing for the 5-year and 3-year average of harvests and the 1993/94 harvest. Last season's harvest was 200 bears (31.9 percent females). Most sport hunting has occurred in Parry Channel, 28 in 1993/94 harvest season and 24 in 1992/93. Limited guided sport hunts of 5 and 3 occurred in Baffin Bay during the same seasons (GNWT).

According to Born (1995) there is little information available on the take of polar bears in Greenland. There is no quota for harvest of polar bears in Greenland. Regulations prohibit the use of vehicles for the hunt and stipulate that hunters must be citizens of Greenland and hunt or fish full time. As of January 1, 1993, Greenland residents are required to obtain special permits to hunt polar bear. The reporting of take is voluntary, and the system of reporting has not worked reliably for many years. Greenland needs to obtain information on the number and sex ratio of bears taken in all areas and number of animals in the populations to establish a sustainable harvest level of polar bears. There is an ongoing Canadian-Greenland joint study to obtain data to delineate the range and number of bears in the shared populations. A summary of results of a polar bear survey suggests a harvest of 40 to 60 bears each year in

West Greenland, from the population shared with Canada (PBSG 1995). Recent satellite telemetry data indicates four populations: a western population, Baffin Bay, Jones Sound-Norwegian Bay, and Kane Basin. The final analysis and determination of population status will occur in the summer of 1995 after the collection of the last movement data. A re-inventory of population numbers is ongoing. Data collection should be finalized in Baffin Bay by the Fall of 1995 and in Parry Channel by 1997. Canada is not recommending any management action until the study is completed.

Foxe Basin (FB). An 8-year mark-recapture and telemetry study of movements and population size was concluded in 1992. The population estimate of 2,020 is believed to be accurate as the marking effort included the entire area. Polar bears were concentrated on the Southampton Island and Wager Bay areas during the ice-free season, but significant numbers of bears were found throughout the other islands and coastal areas. Because the previous harvest quotas are believed to have reduced the population from about 3,000 in the early 1970's to about 2,000 in 1991, the harvest quota is being incrementally reduced to levels that will permit recovery of this population. The reduction process is described in the NWT Local Management Agreements between the Inuit communities that share these polar bears. The population data are rated as good. The status of the population (Table 3) is shown as decreasing for the 5-year and 3-year average of harvests and the 1993/94 harvest. Of the 100 bears taken in last year's harvest, 48.5 percent were females.

The population is shared with Quebec where the legal bases for regulating polar bear are the Wildlife Conservation and Management Act, 1983; the Order in Council 1 3234, 1971; and the James Bay International Agreement, 1978 (GNWT). Inuit and Indians are allowed to hunt polar bears from three different populations, based on the ''guaranteed harvest'' levels determined for the James Bay Agreement, as long as the principle of conservation is respected (PBSG 1995). The guaranteed harvest levels are determined between the user groups and the Government of Quebec based on harvest records between 1976 and 1980. The levels are set without knowledge of the size of the polar bear population and without consultation with other user groups that hunt polar bears from the three shared populations. (In fact, The Inuit from Quebec have declined to participate in a management agreement with the NWT as there is some confusion how a co-management agreement would mesh with the James Bay and Northern Quebec Agreement.) The harvest levels set are 22, 31, and 9 for populations shared in Southern Hudson Bay, Davis Strait, and Foxe Basin, respectively. The Inuit have agreed with the harvest levels, while negotiations are occurring with the Crees. If the ''guaranteed harvest'' is exceeded, which is uncommon, there is no penalty. The number and sex of polar bears in the harvest are monitored, with age determined on many of them. There has been, however, some concern expressed over the inconsistencies in harvest data. Quebec does not have legislation to protect female polar bears with cubs and bears in dens (GNWT), but the Inuit hunters and trappers in Northern Quebec have agreed to protect them (PBSG 1988).

Davis Strait (DS). The population estimate is 1,400, and is based on field work conducted during the spring from 1976 through 1979. Traditional knowledge observations suggest that the population may have increased since 1979: (a) Hunters from Pangnirtung have reported larger numbers of bears in recent years and in 1994 took their entire quota in less than 2 days; (b) hunters from the Labrador Inuit Association have reported seeing an increased number of bears in the last several years; (c) hunters from Iqaluit report they have harvested the highest proportion of males of any settlement in the NWT due to high densities of bears encountered; and (d) hunters from Lake Harbour report a higher rate of encounters with polar bears in recent years. Observations made by biologists support the traditional knowledge reported by hunters: (a) during surveys conducted in the fall of 1992 and 1993, high densities of bears were found on the Cumberland Peninsula, Baffin Island; (b) the number of bears captured per hour of search time during 1991–94 on the Labrador coast almost doubled from 1976–79; (c) during the above surveys conducted in the 1990's, a large proportion of old adult males were seen (such sightings would not occur in an over-harvested population where the harvest was selective for males); and (d) satellite tracking data from 1991–94 indicate that a large proportion of the population is offshore in the pack ice during the spring and would not have been included in the capture and tagging as part of the 1980 population estimate. Population modeling indicates that the population would need to be at least 1,400 to sustain the present annual kill of 58 polar bear. The 1995 PBTC supported the revision of the population estimate to 1,400. Further work will be required to resolve the status of polar bears in this population. A joint resolution was signed by Quebec and NWT supporting a co-operative inventory of this population as a high priority. (Newfoundland and Labrador could not attend the meeting where that resolution was developed, but is supportive.) The population data is rated as fair. The status of the population (Table 3) is shown as stable for 3-year average of harvests and the 1993/94 harvest. Of the 58 bears in last year's harvest, 40.6 percent were females.

The Davis Strait population is shared with Quebec, Newfoundland and Labrador, and Greenland. For a discussion of Quebec, see Foxe Basin above. In Newfoundland and Labrador, the legal basis for regulating polar bears is the Wildlife Act, 1970. The current hunting season is limited to residents of the Torngat Electoral District on the northern Labrador coast, with no distinction made between natives and non-natives. To maintain consistency with the International Agreement, tags are issued through the Labrador Inuit Association, with unused tags being accounted for. Land claim negotiations that may affect how polar bears are managed in Newfoundland and Labrador are currently underway. In typical years Greenland harvests no polar bears from the Davis Strait population. In some years, however, ice is blown onto southern Greenland and, on the average, two bears are taken in Greenland. For additional discussion on Greenland's program, see Parry Channel/Baffin Bay above.

Southern Hudson Bay (SH). The population estimate of 1,000 is considered conservative. It is based on a 3-year study mainly along the Ontario coastline of movements and population size using telemetry and mark-recapture. Since a portion of the eastern and western coastal areas was not included in the study area, the calculated estimate of 763 bears was increased to 1,000. In addition, inshore areas were under-sampled because of difficulties in locating polar bears in the inland boreal forest. The study confirmed the population boundary along the Ontario coast during the ice-free season but showed the intermixing with the western Hudson Bay and Foxe Basin populations during the months when the bay is frozen over. The population data is rated as fair. Table 3 shows the status of the population as decreasing for the 5-year and 3-year average harvests, but as stable for the 1993/94 harvest. Of the 45 bears taken

in last year's harvest, 33.3 percent were females.

This population is shared with Quebec (see discussion under Foxe Basin), the NWT, and Ontario. In Ontario, polar bears are protected under the Game and Fish Act, 1980. Treaty Indians are allowed to hunt polar bears with an annual permissible kill of 30 animals (GNWT). Ontario has supported the adoption of guidelines for dividing the quota for polar bear populations shared with the NWT and Quebec, but there is no joint management agreement. There are no officers located in the villages where polar bears are hunted. At the 1994 PBTC meeting, it was reported that fewer kills are being reported by hunters, resulting in incomplete data. If the quota is exceeded, which is uncommon, hunters are encouraged to count the excess polar bears against the next year quota. Bears in dens and females with cubs are not specifically protected, but the take of such animals is believed to be rare.

7. Scientific Review

The language of the MMPA Amendments requires that a scientific review of the impact of permits issued on the polar bear population stocks be undertaken periodically. The Service published a proposed rule in the **Federal Register** (60 FR 70) on January 3, 1995, that discussed the scientific review process and proposed permit procedures. The first scientific review of the impact of permits issued on the polar bear population stocks is to be undertaken within 2 years after enactment, that is by April 30, 1996. This review is to provide an opportunity for public comment and the final report will include a response to such public comment. The Director will not issue permits to allow for the import of polar bears taken in Canada after September 30, 1996, if the Service determines that the issuance of permits is having a significant adverse impact on the polar bear population stocks in Canada. The Director may conduct an annual review of this determination. The review provides for the monitoring of the effects of permit issuance on Canada's polar bear population stocks and a means to guarantee the cessation of imports should there be an indication of an adverse impact on the sustainability of the Canadian population stocks. These reviews are to be based on the best scientific information available. If the Director does undertake a review, the Act requires that the review be completed by January 31 of the year in which the review was undertaken. The Director may not, however, refuse to issue permits solely on the basis that the review has not been completed by January 31.

D. CITES and Other International Agreements and Conventions

1. Proposed Finding

The MMPA requires that the Service find that the export from Canada and subsequent import into the United States are consistent with CITES and other international agreements and conventions. Based on the discussion below, the Service proposes to find that the provision of CITES will be met for the export and import of polar bear trophies taken in Canada. The International Agreement was discussed previously. At this time, the Service is not aware of any other agreements or conventions that need to be considered.

2. CITES

CITES is a treaty established to protect species impacted by international trade. Canada and the United States, along with 126 other countries, are Parties to CITES. The polar bear has been protected under Appendix II of CITES since 1975. Appendix II includes ''species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival'' (Article II of CITES). A CITES export permit must accompany each shipment from the country of origin. The export permit for dead specimens can be issued for any purpose as long as the scientific authority of the country of export determines that the shipment will not be detrimental to the survival of the species and the management authority of that country determines that the specimen was obtained legally.

For the export of polar bear from Canada, control of the polar bear harvest is demonstrated by quotas enforced by legislation and co-management agreements, and by development of a management plan. In the NWT, only the DRR Headquarters in Yellowknife and its Regional Offices can issue CITES permits for polar bears and polar bear products. A CITES permit for a polar bear product originating in the NWT may be issued from another Canadian province or territory only if the product was exported from the NWT with a Northwest Territories Wildlife Export Permit. This permit must be validated by Customs Canada upon export.

For import into the United States, all wildlife and wildlife products requiring a permit under CITES and the MMPA must meet inspection and clearance requirements as outlined in regulation (50 CFR Part 14), including entry through one of the ports designated for wildlife import and completion of a Wildlife Declaration Form (3–177).

E. Illegal Trade in Bear Parts

1. Proposed Finding

The Service proposes to find that the export and subsequent import of sport-hunted polar bear trophies to the United States would not be likely to contribute to the illegal trade in bear parts if the conditions proposed are adopted. The Service notes that this finding covers the illegal trade in parts of all species of bears. To ensure that the gall bladders of polar bears taken by U.S. hunters do not enter into trade, the Service proposes to condition any import permit that the permittee certify that the gall bladder was destroyed. To ensure that all polar bears that enter the United States can be identified as legally taken sport-hunted trophies and do not contribute to the illegal trade in polar bear parts, the Service proposes that the permittee make an appointment at least 72 hours prior to import with Service personnel at a designated port for wildlife to have a permanent tag affixed to the trophy upon import.

2. Trade in Gall Bladders

There is a diversity of opinion on trade in polar bear gall bladders. Resolution 5 of the 1993 PBSG meeting recommended that each party consider restricting the traffic in polar bear gall bladders. This was done in recognition that worldwide trade in bear parts, particularly gall bladders, threatens the survival of several species of bear, and that the legal availability of gall bladders of any species of bear makes it impossible to control the illegal trade, encouraging further illegal take of all species of bears, including polar bear (PBSG 1995). Canada's PBTC endorsed the resolution which allows each party to make its own decision. The PBTC recommended the PBAC discuss the issue and consider recommending a ban on trade of gall bladders from all bear species. Although legally harvested bear gall bladders can be sold in the NWT, the GNWT is currently reviewing the practice. Between 1992 and 1994, NWT Export Permits were issued for 61 polar bear gall bladders.

The Service is unaware of any published source that documents a demand for polar bear gall bladders, but there are several anecdotal episodes that suggest they are not in commercial demand. Dr. Derek Melton, Director, Wildlife Management, DRR, NWT, wrote the Service that Judy Mills, co-

author of the World Wildlife Fund report on The Asian Trade in Bear Parts, verbally told him ''that gall bladders from polar bears were regarded as less desirable than those of terrestrial species, possibly because of the taste associated with their marine diet.'' Dr. Ed Espinoza, Chief of the Criminalistics Section of the National Fish and Wildlife Forensic Lab related that examination of polar bear gall bladders at the Lab revealed that polar bear gall bladders smell fishy, probably due to the high content of marine fatty acids and oils. He remembered Inuits from Kotzebue, Alaska, telling him that they are not able to get financial compensation for polar bear gall bladders because ''they smell bad''. He also remembered a Canadian Wildlife Conservation Officer in Whitehorse telling him there were no interested Asian parties for the polar bear gall bladders because of the odor these galls had. On the other hand, in 1992, the first case of illegal sale of polar bear gall bladders was documented by U.S. law enforcement agents in Alaska (Schliebe et al. 1995). To ensure that the gall bladders of polar bears taken by U.S. hunters do not enter into trade, the Service proposes to condition any U.S. import permits for polar bears if this proposed rule is adopted. The condition would require the permittee to certify that the gall bladder, including its contents, from the polar bear proposed for import was destroyed.

3. Trade in Hides

It was reported at the 1993 PBSG meeting that the fur market is currently glutted, resulting in low prices for pelts on the open market. The trade in polar bear hides is fairly flat, and the market in the United States is closed because of the MMPA. According to the Service's Division of Law Enforcement, an undercover operation in Alaska during 1991 and 1992 showed that a black market for polar bear hides existed in Alaska. Greenland assists in marketing polar bear pelts for local communities. In 1992 a total of 60 hides were purchased by the tannery. Thirty of these went to Denmark (PBSG 1995).

4. Canada

There is some illegal trade in bear parts in Canada, but the extent is unknown. There are documented cases in the provinces, especially British Columbia. While trade in bear parts is now prohibited in British Columbia, Alberta, Newfoundland and Labrador, and Manitoba, it is still legal to sell bear parts in Ontario, Quebec, Saskatchewan, and the NWT. There may be some trade in bear parts from a province that does not allow trade by routing them through the provinces that still allow trade. There have been some questionable kills and some illegal kills of black bear to gain parts in the NWT. However, the trade in polar bear parts is not thought to be involved in any significant degree. GNWT wildlife officials have stated that distance and cost make polar bears inaccessible to southern poachers. Residents of the NWT consider the polar bear of cultural importance and worth more than just the economic value of its parts. Canada does not anticipate an increase in illegal activity or in the number of polar bears illegally killed as a result of allowing the export of sport-hunted trophies by U.S. citizens (GNWT).

5. Alaska

The MMPA prohibits, with limited exceptions, the harvest and trade of polar bears and polar bear parts in the United States. It restricts the take of polar bears to any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean provided such taking is not accomplished in a wasteful manner and is for subsistence purposes or is done for purposes of creating and selling authentic native articles of handicrafts and clothing.

All polar bear hides and skulls taken as part of the Native subsistence harvest must be tagged within 30 days of harvesting the polar bear. These tags are provided by the Service, are numbered for accountability and of such a design, construction, and material so as to maximize their longevity and durability on the specified parts. Polar bear parts may only be tagged by Service personnel or authorized Service representatives (e.g., Native residents of the community). The skin and skull of an animal must accompany each other when presented for tagging. Tags are attached or applied to the skins and skulls in such a manner as to maximize their longevity and minimize adverse effect to the appearance of the specified parts which might result due to hindering the tanning or handicrafting of skins, or the handicrafting of skulls. Tags must remain affixed to the skin through the tanning process and until the skin has been severed into parts for crafting into handicrafts or for as long as practical during the handicrafting process. If the tag does come off of the specified part the person in possession of the part has 30 days to present the part and broken tag to the Service or the Service's local representative for retagging.

6. Proposed Tagging Requirement

As previously described, the NWT tag applied to a polar bear hide is removed either at the time of tanning or upon export. Therefore, once imported, hides (raw and tanned), rugs, and mounts of Canadian sport-hunted polar bears are not distinguishable from untagged Alaskan polar bear hides which may have been illegally acquired or transported. In addition, there may be some polar bear hides and mounts taken in Canada and illegally imported into the United States prior to the Amendments.

To ensure that all polar bears that enter the United States can be identified as legally taken sport-hunted trophies and not contribute to the illegal trade in polar bear parts, the Service proposes that they be marked with a one-time tag that is to remain on the trophy indefinitely. The tag would be similar in design to tags used for Alaskan polar bears taken in the Native subsistence harvest. The Service is currently working with the Canadian Wildlife Service and the Government of the NWT on the feasibility of permanently tagging the hide of all sport-hunted polar bear in Canada at the time of harvest. Developing such a cooperative program might include developing a tag which could withstand the cold climate of the NWT, the tanning process, and the taxidermy process; be unobtrusive on a polar bear mount or rug; and be visible for inspection, if necessary. The Service anticipates that the development and implementation of this program could take from 6 months to 2 years.

Until a procedure for permanently tagging sport-hunted polar bear hides at the time of harvest has been adopted, the Service proposes that a permanent tag be affixed to all sport-hunted polar bear trophies including raw (untanned) hides, tanned hides, and prepared rugs and mounts, upon import into the United States and that the skull of the polar bear, if separate from the remainder of the trophy, be permanently marked with the tag number of the accompanying polar bear hide. To ensure that all polar bear parts are permanently marked or tagged, the Service proposes that all sport-hunted polar bears must be imported through a Fish and Wildlife Service designated port during normal business hours with at least a 72-hour prior notice.

The Service has experience with tagging programs for polar bear, walrus, and sea otter taken in the Native subsistence harvest in Alaska and for CITES regulated fur-bearing species, including brown bear, bobcat, river otter, and lynx. Based on this

experience and discussions with professional taxidermists and tanners, the Service has learned that plastic tags are more durable than metal tags, less likely to break or rip from the hides, and less likely to damage tanning equipment. The Service considered the following factors when looking at tagging requirements: the condition of the trophy upon import (i.e., untanned hide, tanned hide, finished rug or mount), the recommendations of professional taxidermists and tanners, the ability to examine the identification marks on the tag, the ability to replace a lost tag, and the extent to which the tag would be obtrusive to the overall appearance of the trophy.

Based on these considerations, the Service proposes that a plastic tag be placed like a bracelet around the ankle area of either the fore or hind legs of a mounted polar bear trophy. The same type of tag would be used for a raw or tanned hide or finished rug. In these cases, the Service proposes that the tag be affixed to the hide in the belly or flank area of the bear where it will be least disruptive to the taxidermy process and more likely to be concealed by the longer hair in these areas. To reduce the chances of a tag being snagged and ripped out or broken during the tanning process, and to reduce the obtrusiveness of the tag, the Service proposes that Service personnel would loop the tag upon itself prior to affixing it to a raw or tanned hide or a finished rug. Service personnel in Alaska have used this procedure when tagging sea otter pelts and have not had difficulty reading the tag. Provisions are also proposed to retag polar bear hides or mounts if tags are broken during tanning or lost.

Proposed Findings for Bears Taken Prior to the 1994 Amendments

Section 104(c)(5)(A) includes polar bears taken, but not imported, prior to the 1994 Amendments. The Service proposes that a permit for import of trophies taken in the NWT between December 21, 1972, through the effective date of any final rule may be issued when the applicant has demonstrated that the polar bear was legally taken and was not pregnant or nursing at the time of take. Such trophies would be subject upon import to the same marking and tagging requirements as sport-hunted polar bears taken in Canada after the effective date of any final rule.

The Service proposes to issue a blanket finding covering the NWT historic sport-hunting program for each year starting in late 1972 to the present for the following reasons: (1) Canada is a signatory to the 1973 International Agreement on the Conservation of Polar Bears which came into effect on May 26, 1976; (2) the hunting of polar bears in Canada has been restricted to Native people since 1949; (3) polar bears have been managed in the NWT under a quota since 1968; (4) the NWT has maintained a data collection and monitoring program on the polar bear harvest in its territory since the 1976/77 harvest season; (5) the NWT, DRR, has demonstrated a progressive management program for polar bear which includes scientific research and traditional knowledge; and (6) the 1994 Amendments do not require the evaluation of Canada's past polar bear management history.

It should be noted that proof the polar bear was legally harvested in Canada by the applicant or by a decedent from whom the applicant inherited the trophy may be more problematic for polar bears taken between late 1972 to 1976 since records maintained by DRR start from the mid 1970's. The Service proposes that an applicant provide the following to show proof of legal harvest for a polar bear taken prior to the effective date of the final rule if adopted: certification from the Government of the NWT that the bear was legally harvested and tagged during the specified harvest season and by the hunter of record. Whatever option is adopted for determining whether the specimens were pregnant or nursing at the time of taking, as discussed above, would also apply to these bears.

Public Comments Solicited

The Service is currently deliberating on the comments received on its earlier proposed rule and will respond to all comments to its proposals in the final rule. The Service invites comments on these new proposals. The Service will take into consideration the comments and any additional information received in making a decision on this proposal, and such consideration may lead to final findings and regulation that differ from this proposal.

Required Determinations

The Service has prepared a draft environmental assessment on the proposed rule, in accordance with the National Environmental Policy Act (NEPA). A determination will be made at the time of the final decision as to whether the proposed rule is a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA.

This proposed rule was not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866. The Department of the Interior (Department) has determined that this proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The proposal will affect only those in the United States who have hunted, or intend to hunt, polar bear in Canada. This action is not expected to have significant taking implications, per Executive Order 12630.

The information collection requirement contained in this section has been approved by OMB as required by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and assigned clearance number 1018–0022. There will be no additional information collection requirements for tagging polar bears if the condition is adopted. Since the proposed rule would apply to importation of polar bear trophies into the United States, it does not contain any Federalism impacts as described in Executive Order 12612.

The Department has certified to OMB that these regulations meet the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

References Cited

Baur, D.C. 1993. Reconciling the legal mechanisms to protect and manage polar bears under United States laws and the Agreement for the Conservation of Polar Bears. Report prepared for the Marine Mammal Commission, Washington, D.C. 153 pp.

Born, E.W. 1995. Status of the polar bear in Greenland 1993. Pages 81–103 *in* O. Wiig, E.W. Born, and g.W. Garner, eds. Polar Bears. Proc. Eleventh Working Meet. IUCN/SSC PBSG Jan. 25–29, 1993, Copenhagen, Denmark. Occas. Pap. IUCN Spec. Surv. Comm. No. 10. Gland, Switzerland. (in press)

Calvert, W., M. Taylor, L. Stirling, G.B. Kolenosky, S. Kearney, M. Crete, and S. Luttich. 1995. Polar bear management in Canada 1988–92. Pages 61–80 *in* O. Wiig, E.W. Born, and g.W. Garner, eds. Polar Bears. Proc. Eleventh Working Meet. IUCN/SSC PBSG Jan. 25–28, 1993, Copenhagen, Denmark. Occas. Pap. IUCN Spec. Surv. Comm. No. 10. Gland, Switzerland. (in press)

PBSG, The World Conservation Union. 1995. Polar Bears. Proc, Eleventh Working Meet. IUCN/SSC PBSG Jan. 25–28, 1993, Copenhagen, Denmark. O. Wiig, E.W. Born, and G.W. Garner, eds. Occas. Pap. IUCN Spec. Surv. Comm. No. 10. Gland, Switzerland. (in press)

PBSG, The World Conservation Union (IUCN). 1988. Polar Bears. Proc. Tenth Working Meet. IUCN/SSC PBSG Oct. 25–29, 1988, Sochi, USSR. O. Wiig, ed. Occas. Pap. IUCN Spec. Surv. Comm. No. 7. Gland, Switzerland.

Lee, J., M. Taylor, and A. Sutherland. 1994. Aspects of the polar bear harvest in the Northwest Territories, Canada. Northwest Terr. Dept. Ren. Res. File Rep. No. 113. 27 pp.
Prestrud, P. and I. Stirling. 1995. The International Polar Bear Agreement and the current status of polar bear conservation. Aquat. Mammals. (in press)
Ramsay, M.A. and I. Stirling. 1986. On the mating system of polar bears. Can. J. Zool. 64:2142–2151.
Schliebe, S.L., S.C. Amstrup, and G.W.Garner. 1995 The status of polar bears in Alaska 1993. Pages 121–134 *in* O. Wiig, E.W. Born, and G.W. Garner, eds. Polar Bears. Proc. Eleventh Working Meet. IUCN/SSC PBSG Jan. 25–28, 1993, Copenhagen, Denmark. Occas. Pap. IUCN Spec. Surv. Comm. No. 10. Gland, Switzerland. (in press)
Taylor, B.L. 1995. Defining ''population'' to meet management objectives for marine mammals. Adm. Rep. LJ–95–03, NMFS, La Jolla, CA.
Taylor, M., ed. 1994. Density-dependent population regulation in black, brown, and polar bears. Int. Conf. Bear Res. and Manage. Monogr. Series No. 3. 43 pp.
Taylor, M.K., D.P. DeMaster, F.L. Bunnell, and R.E. Schweinsburg. 1987. Modeling the sustainable harvest of female polar bears. J. Wildl. Manage. 51(4):811–820.
U.S. Fish and Wildlife Service. 1995. Draft Habitat Conservation Strategy for Polar Bears in Alaska. Anchorage, Alaska. 91 pp.

List of Subjects in 50 CFR Part 18

Administrative practice and procedures, Imports, Indians, Marine mammals, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 18 of Chapter I of Title 50 of the Code of Federal Regulations to read as follows:

PART 18—MARINE MAMMALS

1. The authority citation for part 18 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

2. Proposed § 18.30 [proposed to be added at 60 FR 70 (January 3, 1995)] is proposed to be amended by revising paragraph (a)(5) to read as follows:

§ 18.30 Polar bear sport-hunted trophy import permits.

(a) * * *

(5) Proof that the polar bear was legally harvested in Canada by the applicant (or by a decedent from whom the applicant inherited the trophy), including:

(i) If the polar bear was taken prior to (effective date of final rule), a certification from the Department of Renewable Resources, Northwest Territories, that the polar bear was legally harvested and tagged, giving the name of the hunter and location (settlement and population) and season the bear was taken;

(ii) If the polar bear was taken on or after (effective date of final rule), the permittee must provide documentation at time of import to the Service inspector as outlined in § 18.30(f)(1)(ii).

(6) * * *

3. Proposed § 18.30 [proposed to be added at 60 FR 70 (January 3, 1995)] is proposed to be amended by revising paragraph (b) to read as follows:

§ 18.30 Polar bear sport-hunted trophy import permits.

* * * * *

(f) *Additional permit conditions.* Permits to import a sport-hunted polar bear trophy taken in Canada are subject to the conditions outlined in § 18.31(d) and the following special conditions:

(1) If the polar bear was taken on or after (effective date of final rule), the permittee must:

(i) Sign a statement, as a condition of the permit, that the gall bladder, including its contents, taken from the polar bear proposed for import was destroyed; and

(ii) Provide a copy of the NWT hunting license and tag number under which the polar bear was taken and a Canadian CITES export permit that identifies the polar bear by hunting license and tag numbers;

(2) The permittee must present to a Service inspector at the time of import a certification from the Department of Renewable Resources, Northwest Territories, that the polar bear at the time of take was not pregnant, was not a nursing cub, was not a mother with cubs, and was not moving into a den or already in a den.

(3) Any sport-hunted trophy imported with a permit issued under this section must be imported through a designated port for wildlife imports (see § 14.12) during regular business hours. The importer must notify Service personnel at the port at least 72 hours prior to the import and make arrangements for the Service to affix a tag in accordance with paragraph (f)(4) of this section prior to being cleared;

(4) A serially numbered, permanently locking tag identifying the species, year of import, and port of import must be affixed by the Service to each sport-hunted trophy upon import and must remain fixed indefinitely to the trophy as proof of legal import. Tags must be attached in a manner established by the Service to maximize their longevity and minimize their adverse affects to the appearance of the trophy; and

(5) In the event the tag comes off the trophy, the permittee must within 30 days:

(i) Contact the nearest Service office at a designated port or a Law Enforcement office as given in § 10.22 of this subchapter to schedule a time to present the trophy for retagging; and

(ii) At the time the new tag is attached, present the broken tag and proof that the trophy had been tagged and legally imported or, in the event that the tag was lost, a signed, written explanation of how and when the tag was lost and proof that the trophy had been tagged and legally imported.

* * * * *

4. Proposed § 18.30 [proposed to be added at 60 FR 70 (January 3, 1995)] is proposed to be amended by adding a new paragraph (j) to read as follows:

§ 18.30 Polar bear sport-hunted trophy import permits.

* * * * *

(j) *Findings.* (1) The Service has determined that the Northwest Territories, Canada, has a monitored and enforced sport-hunting program that meets issuance criteria of paragraphs (e) (4) and (5) of this section for the following populations: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville Sound, Gulf of Boothia, M'Clintock Channel, and Western Hudson Bay, provided:

(i) For the Southern Beaufort Sea population, no bears be taken west of the equidistant line of the Beaufort Sea; the management agreement between the Inuvialuit Game Council and the Fish and Game Management Committee of the North Slope Borough in Alaska remains in effect; and the Yukon Territory quota remains with the Northwest Territories or has a joint management agreement in place with scientifically sound quotas;

(ii) For the Western Hudson Bay population, a management agreement between the Northwest Territories and Manitoba is in effect with scientifically sound quotas;

(iii) For all of these populations, that females with cubs, cubs, or polar bears moving into denning areas or already in dens are protected from taking by hunting activities; and

(iv) The number of sport-hunted trophies taken in the prior harvest season does not exceed 15 percent of the total quota of the Northwest Territories.

(2) Any sport-hunted trophy taken in the Northwest Territories on or after (effective date of final rule) from a population that currently is not approved by the Service for import, will only be approved for an import permit if the Service can find, based on

updated information from the Northwest Territories, that:

(i) The total harvest during that harvest season and the average of the three preceding harvest seasons was sustainable for the affected population; and

(ii) A management agreement(s) was in place with Greenland and/or a province(s) that shares the population with the Northwest Territories.

(3) Any sport-hunted trophy taken in the Northwest Territories, Canada, between December 21, 1972, and (effective date of final rule) must meet the issuance criteria of paragraphs (e)(1), (2), (3), and (6)(i) of this section and may be imported upon obtaining an import permit prior to import and meeting the conditions of paragraphs (f)(2), (3), (4), and (5) of this section.

Dated: June 22, 1995.

George T. Frampton,

Assistant Secretary for Fish and Wildlife and Parks.

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